

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

United States of America,

Plaintiff,  
vs.

Civil No.  
Honorable

Smith & Wesson Model M&P  
Shield EZ .380 cal Pistol,  
19 Rounds of .380 cal ammo,  
SCCY Industries Model CPX-1 9mm cal Pistol,  
Assorted rounds of 9mm cal Ammo,

Defendants *in Rem*.

---

**COMPLAINT FOR FORFEITURE**

---

NOW COMES Plaintiff, the United States of America, by and through Dawn N. Ison, United States Attorney for the Eastern District of Michigan, and Gjon Juncaj, Assistant United States Attorney, and for its Complaint for Forfeiture states:

**JURISDICTION AND VENUE**

1. This is an *in rem* civil forfeiture action pursuant to 18 U.S.C. § 924(d).

2. This Court has original jurisdiction over this proceeding pursuant to 28 U.S.C. § 1345 because this action is being commenced by the United States of America as Plaintiff.

3. This Court has jurisdiction over this forfeiture action pursuant to 28 U.S.C. § 1355(b)(1)(A) because the acts giving rise to the forfeiture occurred in the Eastern District of Michigan.

4. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the Plaintiff's claims occurred in the Eastern District of Michigan.

5. Venue is also proper before this Court pursuant to 28 U.S.C. § 1395(a), (b), and (c) because the action accrued and the Defendants *in rem* were found, seized and remain in the Eastern District of Michigan.

6. The Defendants *in rem* Smith and Wesson, model M&P shield EZ, .380 caliber pistol SN: NJJ3572, and nineteen rounds of .380 caliber ammunition, were seized by law enforcement officers on or about August 31, 2021. The Defendants *in rem* SCCY Industries, model CPX-1 9mm caliber pistol SN: 323620, and assorted rounds of 9mm caliber

ammunition, were seized by law enforcement officers on or about January 12, 2022. Collectively these defendants *in rem* will be referred to as the “Defendant Firearms and Ammunition.”

### **STATUTORY BASIS FOR CIVIL FORFEITURE**

7. Title 18, United States Code, Section 924(d)(1), governs the civil forfeiture of firearms and ammunition involved in federal firearms offenses, providing in relevant part:

- (1) Any firearm or ammunition involved in or used in any knowing violation of subsection (a)(4), (a)(6), (f), (g), (h), (i), (j), or (k) of section 922 . . . shall be subject to seizure and forfeiture[.]

### **FACTUAL BASIS FOR CIVIL FORFEITURE**

8. The Defendant Firearms and Ammunition are forfeitable to the United States because they constitute firearms and ammunition involved in a violation of 18 U.S.C. § 922(g), possession of a firearm and ammunition by a prohibited person.

9. The Defendant Firearms and Ammunition were unlawful possessed by Ramiro C. Barajas, Jr (Barajas), knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, on August 31, 2021 (as to the Smith and

Wesson firearm an associated ammunition) and on January 12, 2022 (as to the SCCY Industries firearm and associated ammunition). The Defendant Firearms and Ammunition were in and affecting interstate commerce at the time of Barajas' possession of the Defendant Firearms and Ammunition.

### **CLAIM FOR RELIEF**

10. Plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 9 above, including any subparagraphs thereunder.

11. The Defendant Firearms and Ammunition should be forfeited to the United States pursuant to 18 U.S.C. § 924(d)(1) because they constitute firearms and ammunition involved in violations of 18 U.S.C. § 922(g).

### **CONCLUSION**

Plaintiff, the United States of America, respectfully requests that a warrant for the arrest of the Defendant Firearms and Ammunition be issued; that due notice be given to all interested parties to appear and show cause why the forfeiture should not be decreed; that judgment be

entered declaring the aforementioned Defendant Firearms and Ammunition be condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Respectfully submitted,

DAWN N. ISON  
United States Attorney

s/GJON JUNCAJ  
GJON JUNCAJ  
U.S. Attorney's Office  
211 W. Fort Street, Ste. 2001  
Detroit, MI 48226  
(313) 226-0209  
Email: [gjon.juncaj@usdoj.gov](mailto:gjon.juncaj@usdoj.gov)  
(P63256)

Dated: September 27, 2023

**VERIFICATION**

I, DUSTIN HURT am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have read the foregoing Complaint for Forfeiture and assert under penalty of perjury that the facts contained therein are true to the best of my knowledge and belief, based upon knowledge possessed by me and/or on information received from other law enforcement agents.

A handwritten signature in black ink, appearing to read 'Dustin Hurt', is written over a horizontal line.

Dustin Hurt  
Bureau of Alcohol, Tobacco, Firearms  
and Explosives

Dated: 9/26/23